IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 3266 of 2005

Between:

V.Siva Prasad S/o.Late V.Seshalakshmaiah
R/o.Plot No.44, R.N Reddy Nagar, Meerpet, R.R.District.

..... PETITIONER

AND

1 The Principal Secretary to Government Home (Gen.B)

Department, Govt. of Andhra Pradesh
Secretriat, Hyderabad.

2 The Commissioner of Police/ Competent Authority A.P

Protection of Depositors of Financial, Eastablishments
Act 1999 Basheerabagh, Hyderabad.

3 The Deputy Commissioner of Police Detective Department,

Central Crime Station,
Nampally, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of Mandamus, declaring the action of the respondents in including the house of the petitioner constructed on Plot No.44, admeasuring 200 sq. yards, covered by Sy.No.23, Block No.V, R.N.Reddy Nagar Meerpet Village, Saroornagar Mandal, R.R.Dist as item No.8 in Annexure-I, to the G.O.Ms.No.270, Dt.20.12.2004 issued by the 1st respondent, as arbitrary, illegal and against the principles of natural justice and consequently direct the respondents to delete the said property from Annexure-I to the said G.O. in the interest of justice.

Counsel for the Petitioner: MR.P.SHIV KUMAR
Counsel for the Respondents: GP FOR HOME

The Court, at the stage of admission, made the following :

ORDER

Petitioner claims to be the owner of premises bearing plot No.44, in Sy.No.23, Block No.5, R.N.Reddy Nagar, Meerpet, Ranga Reddy District. Originally, the property is said to have been purchased by his father in the year 1992, and after the death of his father, the mother and sister of the petitioner are said to have gifted the said property in favour of the petitioner. The father-in-law of the petitioner figured as A.1 in Cr.No.553 of 2004 on the file of Central Crime Station. Offences under Sections 406 and 420 IPC and Section 5 of the A.P. Protection of Depositors of Financial Establishments Act, 1999 (for short 'the Act'), were alleged. As a step under the provisions of the said Act, the Government issued G.O.Ms.No.270, dated 20.12.2004, attaching certain properties. The property, referred to above, was included as item No.8. Petitioner feels aggrieved by the same and challenges the action of the respondents.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

The Act is a self-contained code and prescribes the procedure for determination of the claims of the various persons, who feel aggrieved by the initiation of proceedings thereunder. Under Section 7 of the Act, it is open to any person aggrieved by such attachment, to seek appropriate relief before the Special Court mentioned therein.

Petitioner can avail the remedy. It is not as if, on account of mere attachment, the petitioner is likely to be dispossessed or his rights are to be interfered. It is only when the property is brought to sale that the right to enjoyment of the property would be in jeopardy.

For the foregoing reasons, the writ petition is disposed of, leaving it open to the petitioner to approach the Special Court with an application under Section 7 of the Act, within a period of four weeks from today. Till such time, the respondents shall not dispossess or otherwise interfere with the possession of the petitioner over the property. No order as to costs.

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L.NARASIMHA REDDY, J

Dated : 24.02.2005

Note: Furnish copy in

Three days.

(B/o)

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To

1 The Principal Secretary to Government Home (Gen.B)

Department, Govt. of Andhra Pradesh
Secretriat, Hyderabad.

2 The Commissioner of Police/ Competent Authority A.P

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4 2 CCs to G.P. for Home, High Court Buildings, Hyderabad (OUT).

5 2 CD copies